

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MATIAS OLGUIN §
v. § CIVIL ACTION 4:15-CV- 2161
EDWARD BRADFIELD AND CORE §
CARRIER CORPORATION §

**DEFENDANT CORE CARRIER
CORPORATION'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant Core Carrier Corporation, and through this Notice of Removal hereby removes Cause No. 2015-34860 filed in the 129th District Court of Harris County, Texas, and in support thereof states as follows:

I.

This civil action is a matter over which this Court has original jurisdiction by virtue of 28 U.S.C. §1332 and is one which may be removed to this Court by Defendant Core Carrier Corporation under the provisions of 28 U.S.C. §1441(b), in that it is a civil action among diverse parties who are citizens of different states, and plaintiff's claims involve an amount in controversy that exceeds \$75,000, exclusive of costs and interest. No previous application has been made for the relief requested herein.

II.

This case arises out of an auto accident involving vehicles driven by Plaintiff Matias Olgui and Defendant Edward Bradfield that occurred on August 30, 2013, in Harris County, Texas.

III.

This action was filed on June 17, 2015 in the 129th District Court of Harris County, Texas by Plaintiff against Core Carriers and Edward Bradfield. Exhibit “E.” Core Carriers was served on June 30, 2015. Exhibit “D.” On July 16, 2015, Core Carriers and Defendant William Anderson filed their Original Answer in the state court proceeding. Exhibit “F.” As such, all parties have appeared in this litigation. On July 24, 2015, the Court entered its Docket Control Order. Exhibit “G.” No other documents have been filed in the state court action. Aside from entering the Docket Control Order, the state court has not taken any action relative to this case. Exhibit “C.”

IV.

Core Carriers first received a copy of Plaintiff’s Original Petition when it was served on June 30, 2015. As such, this Notice of Removal is timely filed within 30 days of Defendant’s receipt of Plaintiff’s Original Petition. 28 U.S.C. §1446(b)(1).

V.

Plaintiff’s Original Petition states that Plaintiff seeks to recover monetary relief (personal injury damages) in excess of \$200,000.00, exclusive of costs and interest. *See* Exhibit “E” at ¶ 7.2. As such, the amount in controversy exceeds the jurisdictional amount required for removal based on diversity pursuant to 28 U.S.C. §§ 1332 and 1441.

VI.

At and since the time of filing this action, Plaintiff was and is a citizen of, and domiciled in, the State of Texas. At and since the time of filing this action, Core Carriers Corporation was and is a foreign corporation incorporated in the State of Illinois and with its principal place of business is in Kansas, and is therefore a citizen of both Illinois and Kansas. At and since the time of filing this action, Edward Bradfield was and is a citizen of, and domiciled in, the State of Missouri.

Accordingly, no Plaintiff is a citizen of the same state as any Defendant. As such, there is complete diversity between Plaintiff and all Defendants, as is required by 28 U.S.C. §1332.

VII.

Pursuant to 28 U.S.C. §1446(b)(2)(a), all defendants to the state court action consent to the removal of the state court action filed by Plaintiff.¹

VIII.

The 129th District Court of Harris County, Texas, is located within the Houston Division of the Southern District of Texas, pursuant to 28 U.S.C. §124. Therefore, venue is proper in accordance with 28 U.S.C. §1441(a) because it is the “district and division embracing the place where such action is pending.”

IX.

Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, the following exhibits are attached hereto as Exhibits:

Exhibit “A” – Index of Exhibits;

Exhibit “B” – Civil Cover Sheet;

Exhibit “C” – State Court Docket Sheet;

Exhibit “D” – Affidavit of John Sims & Citation to Core Carrier Corporation;

Exhibit “E” – Plaintiff’s Original Petition (with Case Information Sheet);

Exhibit “F” – Defendants’ Original Answer;

Exhibit “G” – State Court’s Docket Control Order;

Exhibit “H” – List of Counsel.

¹ The undersigned counsel represents all Defendants in the lawsuit.

Additionally, Defendant's Certificate of Interested Persons shall be filed separately as required by Fed. R. Civ. P. 7.1.

X.

Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal will be promptly filed with the Clerk of the Court for the 129th Judicial District Court of Harris County, Texas, and served on counsel for Plaintiff.

WHEREFORE, Defendant Core Carriers Corporation prays that the action now pending against it in the 129th Judicial District Court of Harris County, Texas, bearing Cause No. 2015-34860, be removed to this Honorable Court for a trial by jury on all issues of fact.

Respectfully submitted,

By: /s/ Jeffrey R. Ross
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I do hereby certify that on July 28, 2015, a true and correct copy of the above and foregoing document has been forwarded electronically to Plaintiff's counsel of record through CM/ECF, the state court's electronic filing system, and via certified mail return receipt requested.

/s/ Jeffrey R. Ross
Jeffrey R. Ross